

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: QIU, Bo *et al.*

APPLICATION No.: 09/982,264

FILED: October 17, 2001

FOR: IMMUNOLOGICAL TEST KIT WITH BORELLIA  
BURGDORFERI EPITOPE

EXAMINER: RODNEY SWARTZ

ART UNIT: 1645

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on January 26, 2004, with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AMY SHIELDS

**INFORMATION DISCLOSURE STATEMENT BEFORE FIRST OFFICE ACTION --**  
**37 C.F.R. § 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**1. Timing of Submission**

The information transmitted herewith is being filed before the mailing of a First Office Action. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

**2. Cited Information**

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No. :

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

- ☐ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- ☒ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
- ☐ All cited references  
☒ References marked by asterisks  
☐ The following:

**3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))**

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

**4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))**

- ☒ No fee is believed due with this Information Disclosure Statement, which is filed under 37 C.F.R. § 1.97(b).
- ☐ Check enclosed for \$0.00.  
☐ Please charge the above fee(s) to Deposit Account No. **50-2586** this paper is provided in triplicate.
- ☐ Applicant submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or

☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.


☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. **50-2586**.

**5. Patent Term Adjustment (37 C.F.R. § 1.704(d))**

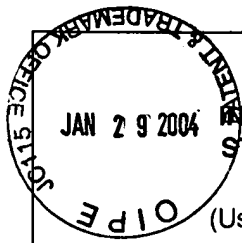
☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Dated: January 26, 2004

By:   
Lauren Sliger  
Registration No. 51,086

Customer Number 34055  
Perkins Coie LLP  
Patent – LA  
P.O. Box 1208  
Seattle, WA 98111-1208  
Phone: (310) 788-9900  
Fax: (310) 788-3399



# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

## COMPLETE IF KNOWN

Application Number	09/982,264
Confirmation Number	8577
Filing Date	October 17, 2001
First Named Inventor	Qiu, Bo <i>et al</i>
Group Art Unit	1645
Examiner Name	Rodney Swartz
Attorney Docket No.	54114.8003.US00

Sheet 1 of 2

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Cite No.	Foreign Patent or Application			Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)			

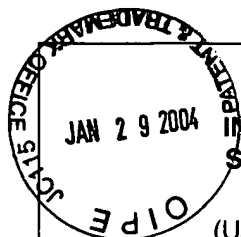
## OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	C1	BAR, Fritz W., <i>et al.</i> , "New Biocompatible Polymer Surface Coating for Stents Results in a Low Neointimal Response," <i>J. Biomedical Materials Research</i> 2000; 52:193-198.	
	C2	BECKER, Timothy A., "Calcium Alginate Gel: A Biocompatible and Mechanically Stable Polymer for Endovascular Embolization," <i>J. Biomedical Materials Research</i> 2001; 54:76-86.	
	C3	BUCHKO, Christopher J. <i>et al.</i> , "Surface Characterization of Porous, Biocompatible Protein Polymer Thin Films," <i>Biomaterials</i> 2001; 22:1289-1300.	
	C4	BURON, F., <i>et al.</i> , "BOP: Biocompatible Osteoconductive Polymer: An Experimental Approach," <i>Clinical Materials</i> 1994; 16:217-221.	
	C5*	ERSHOV, I.A., <i>et al.</i> , "Polymer Biocompatible X-Ray Contract Hydrogel for Esophageal Vein Obstruction in Portal Hypertension," <i>Med. Tekh.</i> 1994; 2:37-40. (Russian. See translation of Findings attached to article.)	
	C6*	HAISCH, A., <i>et al.</i> , "Tissue Engineering of Human Cartilage for Reconstructive Surgery Using Biocompatible, Resorbable Fibrin Glue with Polymer Structures," <i>HNO</i> 1996; 44:624-629. (German. English abstract on p. 625.)	
	C7	ISOBE, Masatsugu <i>et al.</i> , "Bone Morphogenetic Protein Encapsulated with a Biodegradable and Biocompatible Polymer," <i>Journal of Biomedical Materials Research</i> 1996; 32:433-438.	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).



# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

## **COMPLETE IF KNOWN**

Application Number	09/982,264
Confirmation Number	8577
Filing Date	October 17, 2001
First Named Inventor	Qiu, Bo <i>et al</i>
Group Art Unit	1645
Examiner Name	Rodney Swartz
Attorney Docket No.	54114.8003.US00

Sheet 2 of 2

## **OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	C8	IWASAKI, Yasuhiko <i>et al.</i> , "Semi-interpenetrating Polymer Networks composed of Biocompatible Phospholipid Polymer and Segmented Polyurethane," <i>Journal of Biomedical Materials Research</i> 2000; 52:701-708.	
	C9	LANGER, R., "Biomaterials in Drug Delivery and Tissue Engineering: One Laboratory's Experience" <i>Accounts of Chemical Research</i> . Nov. 2, 2000; 33:94-101.	
	C10	LANGER, R., "Tissue Engineering," <i>Molecular Therapy</i> January 2000; 1:12-15.	
	C11*	POLOUS, Y. M., <i>et al.</i> , "The Application of the Biocompatible Antimicrobial Polymer Film for the Prevention of Intestinal Suture Incompetence Under Conditions of Peritonitis," <i>Vest. Khir. Im. II Grek</i> 1985; 134:55-57. (Greek. English abstract on p. 57.)	
	C12	QIU, Bo <i>et al.</i> , "Selection of Continuous Epitope Sequences and Their Incorporation into Poly(Ethylene Glycol)-Peptide Conjugates for Use in Serodiagnostic Immunoassays: Application to Lyme Disease," <i>Biopolymers</i> 2000; 55:319-333.	
	C13	RAUDINO, Antonio <i>et al.</i> , "Binding of Lipid Vesicles to Protein-Coated Solid Polymer Surfaces: A Model for Cell Adhesion to Artificial Biocompatible Materials," <i>Journal of Colloid and Interface Science</i> 2000; 231:66-73.	

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).</p>	